ADR in the Labor Act, 2006

* **Introduction:** The role of the workers in our country like Bangladesh is beyond description in economic development. They have contribution in sectors of the state. To support them logically and legally many Acts passed but at last for the more convenience of them a uniform law was passed in 2006, named the Bangladesh Labor Act 2006.This act was passed to lead a great support for the workers.

The provisions of ADR has been incorporated in the Bangladesh Labor Act, 2006 for the settlement of industrial disputes under section 210.

* **Definition of industrial dispute:** ‘Industrial dispute' means any dispute or difference between employers and employers or between employers and workers or between workers and workers which is connected with the employment or non-employment or the terms of employment or the conditions of work of any person.
* **Rising of industrial disputes:** No industrial dispute shall be deemed to exist unless it has been raised in accordance with this chapter by a collective bargaining agent or an employer.
* **Mechanisms of settlement of labor disputes:** Generally a labor dispute may be divided into two categories, namely:
1. Individualdispute

When a worker raises a dispute in his individual capacity then it is popularly known as individual dispute. Individual disputes mostly cover dispute arising out of dismissal, discharge, compensation, payment of wages etc.

1. Industrialdispute

On the other hand, industrial dispute refers to dispute or any difference between workers and employers with regard to collective demands of workers.

* **Kinds of the ADR used in the Labor Act 2006:** perusing the section 210 of the Labor Act 2006,we found three kinds of ADR in this Act namely,

A. Negotiation

B. Conciliation

C. Arbitration

**Negotiation Method:** Negotiation is recognized as the best method for the settlement of industrial disputes and maintaining industrial relations in a better way because it helps develop harmonious relationship between the management and workers. Bipartite negotiation takes place between the employers and their employees over job-related affairs. The employees are usually represented by their elected representative known as collective bargaining agents (CBAS) while the employers are allowed to participate in collective bargaining themselves or through their representative.

**Conciliation method:** If the party receiving a communication under sub-section (1) fails to arrange a meeting with the representatives of the other party for collective bargaining within the time specified in sub-section (2),the other party or if no settlement is reached through dialogue within a period of one month from the date of the first meeting for negotiation, or such further period as may be agreed upon in writing by the parties, any of the parties, may within fifteen days from the expiry of the period mentioned in sub-section (2) or clause (b) of this sub-section, as the case may be report the matter to the conciliator and request him in writing to conciliate in the dispute and the conciliator shall within ten days of receipt of such request, proceed to conciliate in the dispute.

The government shall for the purposes of this provision, by notification in the Official Gazette, appoint such number of persons as it considers necessary, as conciliator for such specific area or any industrial establishment or industry and the conciliator shall take up the conciliation to whom the request shall be made for conciliation.

**Arbitration:** If the conciliation proceeding fails then the conciliator shall try to persuade the parties to be agree to refer the dispute to an Arbitrator. If the parties do not agree to refer the dispute to an Arbitrator, the conciliator shall within three days of failure of the conciliation proceeding issue a certificate to the parties to the dispute to effect that such proceedings have failed.

But if the parties agree to refer the dispute to an arbitrator, they shall make a joint request in writing for reference of the dispute to an arbitration agreed upon by them

The arbitrator to whom a dispute is referred may be a person borne on a penal to be maintained by the government or any other person agreed upon by the parties.

The Arbitrator shall give award within a period of thirty days from the date on which the dispute is referred to him or such further period as may be agreed upon in writing by the parties to the dispute. After he has made an award, the arbitrator shall forward a copy thereof to the parties and to the government.

The award of the arbitrator shall be final and no appeal shall lie against it. An award shall be valid for a period not exceeding two years as may be fixed by the arbitrator.